

RESOLUTION 2014-31
APPROVAL OF FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
WATER USE AND CONSERVATION MANAGEMENT PLAN, STORMWATER
PROGRAM, AND PLAN CONFORMANCE PETITION COMPLETION AND
ADOPTION FUNDING

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master

RESOLUTION 2014-31
APPROVAL OF FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
WATER USE AND CONSERVATION MANAGEMENT PLAN, STORMWATER
PROGRAM, AND PLAN CONFORMANCE PETITION COMPLETION AND
ADOPTION FUNDING

plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, every Highlands municipality that has successfully petitioned the Highlands Council for Plan Conformance has an Implementation Plan and Schedule that includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

WHEREAS, the following municipalities are in need of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding:

Water Use and Conservation Management Plan Funding (not-to-exceed amounts)

Oakland Borough	75,000
Bethlehem Township	45,000
Glen Gardner Borough	30,000
Jefferson Township	65,000
Mount Olive Township	35,000
Ringwood Borough	25,000
Vernon Township	80,000
Sparta Township	30,000
Byram Township	60,000
Chester Township	80,000
Rockaway Township	60,000
Tewksbury Township	60,000
Total	\$645,000

Stormwater Program Funding (\$15,000 each municipality/ 46 Total) (not-to-exceed amounts)

Mahwah, Oakland, Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Glen Gardner, Hampton Borough, High Bridge, Holland, Lebanon Borough, Lebanon Township, Tewksbury, Chester Township, Denville, Jefferson, Kinnelon, Montville, Mount Arlington, Mount Olive, Randolph, Rockaway Township, Roxbury Township, Washington Township (Morris), Wharton, Bloomingdale, Ringwood, West Milford Ringwood, Bedminster, Byram, Green, Hardyston, Hopatcong, Sparta, Vernon, Allamuchy, Alpha, Franklin Township, Hackettstown, Harmony, Lopatcong, Oxford, Phillipsburg, Pohatcong, Washington Township (Warren)

Total	\$705,000
-------	-----------

Plan Conformance Petition Completion and Adoption Funding (not-to-exceed amounts)

Boonton Township - Pending Petition Approval	63,800
--	--------

RESOLUTION 2014-31
APPROVAL OF FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
WATER USE AND CONSERVATION MANAGEMENT PLAN, STORMWATER
PROGRAM, AND PLAN CONFORMANCE PETITION COMPLETION AND
ADOPTION FUNDING

Bethlehem Township – Economic and Agriculture Retention Planning	65,000
Oakland Borough- Petition Approved/Contract Pending	194,000
Jefferson Township- Petition Approved/Contract Pending	123,500
Phillipsburg- Redevelopment and Habitat Planning	100,000
Byram Township – Economic Development and Habitat Planning	150,000
Bloomsbury Borough – Economic, Redevelopment and Habitat Planning	73,000
Mahwah Township – Economic and Redevelopment Planning	110,000
 Total	 \$879,300

and:

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Supplemental Amended Plan Conformance Grant Agreement with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$2,229,300; and

WHEREAS, the Highlands Council approved the FY2015 Highlands Protection Fund Capital Budget pursuant to Resolution 2014-28 on October 16, 2014; and

WHEREAS, the above-referenced \$2,229,300 allocation is included in the FY 2015 Highlands Protection Fund Capital Budget; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby authorizes the Executive Director to execute Supplemental Amended Plan Conformance Grant Agreements with the above listed municipalities, at not to exceed amounts as set forth above;

BE IT FURTHER RESOLVED, that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2015 in order to provide grant funding for those Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan, not to exceed \$2,229,300 in the aggregate; and

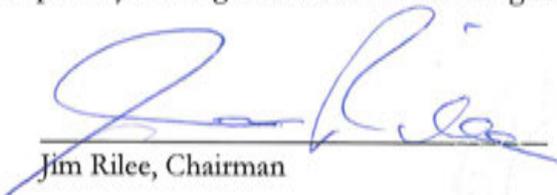
BE IT FURTHER RESOLVED, that the Highlands Council hereby authorizes, ratifies and approves the Highlands Implementation Plan and Schedules for the above-referenced municipalities, including the reallocation of their existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete their Plan Conformance conditions; and

RESOLUTION 2014-31
APPROVAL OF FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
WATER USE AND CONSERVATION MANAGEMENT PLAN, STORMWATER
PROGRAM, AND PLAN CONFORMANCE PETITION COMPLETION AND
ADOPTION FUNDING

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedules of the above listed municipalities, and to amend their Plan Conformance Grant Agreements consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedule on behalf of the Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 4th day of December, 2014



 Jim Rilee, Chairman

**Vote on the Approval of
 This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	✓
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	✓
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	_____	_____	_____	✓
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	✓
Councilmember Vohden	_____	✓	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	✓	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____